

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAREN GARNER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:05-CV-983 TCM
)	
I. R. HUSSMANN/BRIDGETON, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court upon the application of Daren Garner for leave to commence this action without payment of the required filing fee pursuant to 28 U.S.C. § 1915(a)(1). Upon review of plaintiff's financial affidavit, the Court will deny him leave to proceed in forma pauperis.

Financial Affidavit

In his financial affidavit, plaintiff states that (1) he is employed and earns a monthly income of \$2,880.00; (2) he is single; (3) in the past 12 months, he has not received "other income"; (4) he currently has \$6,000.00 on hand or money in a savings or checking account; (5) he has investments totaling approximately \$2,000.00; (6) he lists two dependents; (7) his debts consist of Household Auto Finance (\$261.00 per month/\$3,000.00 total debt), and rent (\$450.00 per month).

Discussion

Title 28 U.S.C. § 1915(a)(1) provides, in pertinent part, that "[a]ny court of the United States may authorize the commencement . . . of any suit . . . without payment of fees or security therefor, by a person who makes affidavit . . . that the person is unable to pay such fees or give security therefor." This statutory provision guarantees that no citizen shall be denied access to the federal courts "solely because . . . poverty makes it impossible . . . to pay or secure the costs" of litigation. Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 342 (1948). The decision to grant or deny in forma

pauperis status is within the discretion of the district court. Cross v. General Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983).

Upon consideration of the financial information provided with the application, the Court finds that plaintiff is financially able to pay the filing fee of Two Hundred and Fifty Dollars (\$250). See 28 U.S.C. § 1914(a).

Therefore,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #1] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff shall have thirty (30) days from the date of this order to pay the \$250 filing fee.¹

IT IS FURTHER ORDERED that if plaintiff fails to pay the filing fee within thirty (30) days, the Court will dismiss this action, without prejudice, pursuant to Fed. R. Civ. P. 41(b).

Dated this 12th day of July, 2005.


UNITED STATES DISTRICT JUDGE

¹The Court notes that if plaintiff pays the filing fee, he will be responsible for serving the summons and the complaint upon the defendants, see Fed. R. Civ. P. 4(c), or requesting the defendant to waive service of summons. See Fed. R. Civ. P. 4(d). Plaintiff is advised that he may seek guidance on serving the defendants from the Office of the Clerk.